

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

NOMURA INTERNATIONAL PLC,

Defendant.

Adv. Pro. No. 11-02759 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendant Nomura International plc (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on April 4, 2022, the Court entered a stipulation and order setting a schedule

for the Trustee to file his Amended Complaint and for briefing on Defendant's motion to dismiss the Amended Complaint (the "Briefing Stipulation") [ECF No. 90];

WHEREAS, pursuant to the Briefing Stipulation, on June 13, 2022, the Trustee filed the Amended Complaint [ECF No. 91];

WHEREAS, on August 4, 2022, the Court entered an amended stipulation and order extending the deadlines in the Briefing Stipulation (the "Amended Briefing Stipulation") [ECF No. 93];

WHEREAS, pursuant to the Amended Briefing Stipulation, on August 26, 2022, Defendant filed its motion to dismiss the Amended Complaint [ECF No. 94], with a supporting memorandum of law [ECF No. 95] (the "Motion"); and on November 8, 2022, the Trustee filed an opposition to the Motion (the "Opposition") [ECF No. 97];

WHEREAS, on December 19, 2022, Defendant filed its reply [ECF No. 99] (the "Reply," and together with the Motion and the Opposition, the "Briefing");

WHEREAS, pursuant to Defendant's notice of motion [ECF No. 94], a hearing to consider the Motion was scheduled to be held on March 15, 2023, at 10:00 a.m. (prevailing Eastern time); and

WHEREAS, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 a.m. on March 15, 2023 to consider the Motion is hereby cancelled and removed from the Court's calendar.

2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: January 26, 2023
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Matthew D. Feil
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201 David
J. Sheehan
Email: dsheehan@bakerlaw.com
Matthew D. Feil
Email: mfeil@bakerlaw.com
Frank M. Oliva
Email: foliva@bakerlaw.com
David Choi
Email: dchoi@bakerlaw.com
Andrew M. Serrao
Email: aserrao@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff*

SHEARMAN & STERLING LLP

By: /s/ Jeffrey Resetarits
599 Lexington Avenue
New York, New York 10022-6069
Telephone: (212) 848-4000
Facsimile: (646) 848-7174
Jeffrey J. Resetarits
Email: Jeffrey.Resetarits@Shearman.com
Randall L. Martin
Email: Randall.Martin@Shearman.com

*Attorneys for Defendant Nomura
International plc*

**Dated: January 27, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**